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10/814,844	03/30/2004	Jonathan J. Hull	20412-08497	6502

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EXAMINER
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STEVENS, ROBERT

ART UNIT	PAPER NUMBER
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2162

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOC@FENWICK.COM  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/814,844	<b>Applicant(s)</b> HULL ET AL.	
	<b>Examiner</b> ROBERT STEVENS	<b>Art Unit</b> 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,10,12-22,25,27-29,31,33-42,44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,10,12-22,25,27-29,31,33-42,44 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20080123,20080411</u> .                                       | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The Office withdraws the previous rejections of the claims under 35 USC §112-2<sup>nd</sup> paragraph, in light of the amendment. However, the Office maintains the previous rejections of the claims under 35 USC §103(a), in light of the amendment.

### ***Response to Arguments***

2. Applicant's arguments filed 4/22/2008 have been fully considered but they are not persuasive.

The previous claim objections, and rejections under 35 USC §112-2<sup>nd</sup> paragraph have been withdrawn.

Regarding the previous rejection of the claims under 35 USC §103(a), Applicant argues on page 8 that the Klemmer reference was improperly used in a 103(a) rejection because is not prior art under 35 USC §102(b).

The Office respectfully disagrees that the use of Klemmer was improper under 35 USC §103(a). It is unclear why Applicant argues that only §102(b) references may be used in a §103(a) rejection. There is no such requirement. Additionally, no support was set forth for such a requirement.

Regarding the previous rejection of independent claims 1 and 25 under 35 USC 103(a), Applicant argues on page 9 that the Klemmer reference does not teach “a plurality of user selectable identifiers representing the features extracted from the media content for selection by a user to play media content segments of a defined length associated with each of the features, *wherein the plurality of selectable of identifiers are linked to locations on the timeline*”, because Klemmer discloses barcodes presented next to sections of a book.

The Office respectfully disagrees. Klemmer teaches/suggests the limitations as recited. For example, Klemmer discusses the adding of timecode information to text in the last paragraph of page 91, and the association/linking of selectable barcodes and chronological sections/locations of a book. These selectable barcodes are thus linked to locations on a timeline of a book.

Regarding the previous rejection of independent claims 1 and 25 under 35 USC 103(a), Applicant argues on page 10 that the cited references does not teach the recited claim limitations, including formatted media that *includes a graphical representation of a timeline and wherein the plurality of selectable of identifiers are linked to locations on the timeline*”.

The Office respectfully disagrees. Klemmer teaches/suggests the limitations as recited. For example, Klemmer discusses the adding of timecode information to text in the last paragraph of page 91, and the association/linking of selectable barcodes and chronological sections/locations of a book. These selectable barcodes are thus linked to locations on a timeline of a book. Additionally, the choice of data as picture/graphics or text was an obvious variant.

Regarding the previous rejection of the claims dependent upon claims 1 and 25 under 35 USC 103(a), Applicant argues on page 11 that these claims are allowable for the arguments set forth above.

The Office respectfully disagrees, and re-asserts the counter-arguments set forth above.

It is further noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-1333, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

The Office also notes MPEP § 2144.01, that quotes In re Preda, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) as stating "in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." Further MPEP 2123, states that "a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

For at least these reasons, the Office asserts the rejections of the claims as set forth below.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-6, 8, 10, 12-22, 25, 27, 31, 33-42 and 44-45 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Scott R. Klemmer et al. (“Books With Voices: Paper Transcripts as a Tangible Interface to Oral Histories”, CHI 2003, Fort Lauderdale, FL, Apr. 5-10, 2003, pp. 89-96, hereafter referred to as “Klemmer”) in view of Graham et al. (US Patent No. 6,369,811, filed Sep. 9, 1998 and issued Apr. 9, 2002, hereafter referred to as “Graham”).

**Regarding independent claim 1:** Klemmer teaches *A computer system for generating a representation of time-based media, the system comprising: a feature extraction module for: extracting features from media content;* (See Klemmer page 92 in the top paragraph of the right column discussing the creating of an MPEG-2 video from a video source.) *and generating a media representation representing the features extracted;* (See Klemmer page 92 in the top paragraph of the right column discussing the making of corresponding JPEG thumbnails.) *a*

*formatting module for formatting the media representation generated, the formatting module being communicatively coupled to the feature extraction module to apply features extracted to the media representation, wherein the formatting module formats the media representation according to a representation specification;* (See Klemmer page 92 in the top paragraph of the right column discussing the creating of a paper layout from a time stamped transcript.) *wherein the formatted media representation includes a graphical representation of a timeline and a plurality of user selectable identifiers representing the features extracted from the media content for selection by a user to play media content segments of a defined length associated with each of the features, wherein the plurality of selectable identifiers are linked to locations on the timeline.* (See Klemmer page 91 in the last paragraph of the right column discussing the adding of time code information to the print format. See also page 92 Fig. 3 showing barcodes linking chronological sections of a book to A/V data and page 92 in the top paragraph of the right column discussing the creating of a paper layout from a time stamped transcript.)

However, Klemmer does not explicitly teach the remaining limitations as claimed. Graham, though, discloses *and a printer for printing the formatted media representation, the printer being communicatively coupled to the formatting module to receive instructions for printing a document displaying the formatted media representation,* (See Graham Fig. 4A #408 and col. 5 lines 32-50 teaching the printing of a paper reader's assistant document having an imprinted thumbnail and teaching additional information as being a "discussion" of user interests.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Graham for the benefit of Klemmer, because to do so allowed a

designer to implement a mechanism to personalize a document for a particular user, as taught by Graham in the Abstract. These references were all applicable to the same field of endeavor, i.e., annotation of paper documents with electronic information.

**Regarding claim 2:** Klemmer teaches *module further comprises content recognition software for recognizing features in the media content*. (See Klemmer page 92 in the top paragraph of the right column discussing the creating of an MPEG-2 video from a video source.)

**Regarding claim 3:** Klemmer does not explicitly teach the remaining limitations as claimed. Graham, though, discloses *processing logic for controlling a printer driver interface associated with the printer*. (See Graham col. 6 lines 4-7 discussing the use of Postscript printing.)

**Regarding claim 4:** Klemmer does not explicitly teach the remaining limitations as claimed. Graham, though, discloses *processing logic for controlling a printer console on the printer*. (See Graham col. 6 lines 4-7 discussing the use of Postscript printing.)

**Regarding claim 5:** Klemmer teaches *wherein the feature extraction module is further adapted to generate the media representation in digital format*. (See Klemmer page 92 in the top paragraph of the right column discussing the creating of an MPEG-2 video from a video source.)



**Regarding claim 6:** Klemmer teaches *wherein the feature extraction module is further adapted to generate the media representation in paper format*. (See Klemmer page 92 Fig. 3 and the top paragraph in the right column teaching a video paper system.)

**Regarding claim 8:** Klemmer teaches *wherein at least one of the user-selectable identifiers comprises a barcode printed on the document displaying the media representation*. (See Klemmer page 92 Fig. 3 showing the incorporation of barcodes on a video paper system document.)

**Regarding claim 10:** Klemmer teaches *wherein the barcode on the document can be scanned to play the associated media content segment on a display device*. (See Klemmer page 89 Abstract and page 92 in the 1<sup>st</sup> paragraph under “**Hardware**” discussing barcode scanning and video playback.)

**Regarding claim 12:** Klemmer teaches *wherein the graphical representation includes audio content displayed as an audio waveform timeline*. (See Klemmer page 92 Fig. 3 showing barcodes associated with Voices augmented paper transcripts in the context of the bottom paragraph in the right column discussing the adding of barcodes to time code metadata information.)

**Regarding claim 13:** Klemmer teaches *wherein the timeline includes markers along its length that correspond to user-selected segments of media content*. (See Klemmer page 92 Fig. 3 showing barcode markers associated with Voices augmented paper transcripts in the context of the bottom paragraph in the right column discussing the adding of barcodes to time code metadata information.)

**Regarding claim 14:** Klemmer teaches *wherein the timeline includes markers along its length that correspond to segments of audio content, the segments being defined by a search for particular features within the media content*. (See Klemmer page 92 Fig. 3 showing barcodes associated with Voices augmented paper transcripts in the context of the bottom paragraph in the right column discussing the adding of barcode markers to time code metadata information.)

**Regarding claim 15:** Klemmer teaches *wherein the timeline includes markers along its length that correspond to segments of media content, at least one of the markers having text information describing the segment of media content*. (See Klemmer page 92 Fig. 3 showing barcodes and associated textual passages.)

**Regarding claim 16:** Klemmer teaches *wherein the timeline includes markers along its length that each correspond to a segment of the media content, at least one of the markers having timestamp information describing the segment of the media content.* (See Klemmer page 92 Fig. 3 showing barcodes associated with Voices augmented paper transcripts in the context of the bottom paragraph in the right column discussing the adding of barcodes to time code metadata information.)

**Regarding claim 17:** Klemmer teaches *wherein the media representation includes a header describing the media content.* (See Klemmer page 91 bottom paragraph in the right column discussing the placement of metadata in a header.)

**Regarding claim 18:** Klemmer teaches *wherein the feature extraction module is further adapted to generate the media representation is generated according to format specifications included in a data structure.* (See Klemmer page 92 top paragraph in the right column discussing the creation of a paper layout based upon a transcript.)

**Regarding claim 19:** Klemmer teaches *wherein the format specifications included in the data structure comprise a number of user-definable fields specifying a format of a graphical representation of the media content.* (See Klemmer page 92 top paragraph in the right column discussing the creation of a paper layout based upon a transcript.)

**Regarding claim 20:** Klemmer teaches *wherein the format specifications included in the data structure comprise a number of user-definable fields specifying a layout of the media representation*. (See Klemmer page 92 top paragraph in the right column discussing the creation of a paper layout based upon a transcript.)

**Regarding claim 21:** Klemmer teaches *wherein the format specifications included in the data structure comprise a number of user-definable fields specifying the media content markers included in the media representation*. (See Klemmer page 92 top paragraph in the right column discussing the creation of a paper layout based upon a transcript.)

**Regarding claim 22:** Klemmer teaches *wherein the format specifications included in the data structure comprise a number of user-definable fields specifying the feature extraction techniques applied to the media content*. (See Klemmer page 92 in the top paragraph in the right column discussing the creation of MPEG-2 and the use of a layout transcript.)

**Regarding independent claim 25:** Klemmer teaches *A method for generating a representation of time-based the method comprising: extracting features from media content;* (See Klemmer page 92 in the top paragraph of the right column discussing the creating of an MPEG-2 video from a video source.) *generating a media representation representing the features extracted;* (See Klemmer page 92 in the top paragraph of the right column discussing the making of corresponding JPEG thumbnails.) *formatting the media representation according*

*to a representation specification, the formatting including applying the features extracted to the media representation extraction information;* (See Klemmer page 92 in the top paragraph of the right column discussing the creating of a paper layout from a time stamped transcript.) *and wherein the formatted media representation includes a graphical representation of a timeline and a plurality of user selectable identifiers representing the features extracted from the media content for selection by a user to play media content segments of a defined length associated with each of the features, wherein the plurality of selectable identifiers are linked to locations on the timeline.* (See Klemmer page 91 in the last paragraph of the right column discussing the adding of time code information to the print format. See also page 92 Fig. 3 showing barcodes linking chronological sections of a book to A/V data and page 92 in the top paragraph of the right column discussing the creating of a paper layout from a time stamped transcript.)

However, Klemmer does not explicitly teach the remaining limitations as claimed. Graham, though, discloses *printing a document displaying the formatted media representation*, (See Graham Fig. 4A #408 and col. 5 lines 32-50 teaching the printing of a paper reader's assistant document having an imprinted thumbnail and teaching additional information as being a "discussion" of user interests.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Graham for the benefit of Klemmer, because to do so allowed a designer to implement a mechanism to personalize a document for a particular user, as taught by Graham in the Abstract. These references were all applicable to the same field of endeavor, i.e., annotation of paper documents with electronic information.

**Regarding claim 27:** Klemmer does not explicitly teach the remaining limitations as claimed. Graham, though, discloses *wherein extracting features of media content further comprises performing keyword searching on the media content*. (See Graham col. 7 lines 50-65 discussing the use of keywords and keyphrases.)

**Regarding claim 31:** Klemmer teaches *wherein the graphical representation includes audio content displayed as an audio waveform timeline*. (See Klemmer page 92 Fig. 3 showing text data displayed, the particular data chosen to display having been an obvious variant. See also page 92 Fig. 3 showing barcodes associated with Voices augmented paper transcripts in the context of the bottom paragraph in the right column discussing the adding of barcodes to time code metadata information.)

**Regarding claim 33:** Klemmer teaches *wherein at least one of the user-selectable identifiers comprises a barcode printed on the document displaying media representation*. (See Klemmer page 92 Fig. 3 showing barcodes printed on a video paper document.)

**Regarding claim 34:** Klemmer teaches *wherein the user scans the barcode to play the associated media content on a display device*. (See Klemmer page 92 in the 1<sup>st</sup> paragraph in the right column under “**Hardware**” discussing the use of a barcode scanner.)

**Regarding claim 35:** Klemmer teaches *further comprising generating markers along the timeline, the markers corresponding to user-selected media content*. (See Klemmer page 92 Fig. 3 showing barcodes, in the context of page 91 in the bottom paragraph in the right column discussing the adding of timecode metadata.)

**Regarding claim 36:** Klemmer teaches *further comprising generating markers along the timeline, at least one of the markers corresponding to features extracted from the media content*. (See Klemmer page 92 Fig. 3 showing barcodes associated with Voices augmented paper transcripts in the context of the bottom paragraph in the right column discussing the adding of barcode markers to time code metadata information.)

**Regarding claim 37:** Klemmer teaches *further comprising generating markers along the timeline, at least one of the markers including text information describing the media content*. (See Klemmer page 92 Fig. 3 showing barcodes and associated textual passages.)

**Regarding claim 38:** Klemmer teaches *further comprising generating markers along the timeline, at least one of the markers including timestamp information describing the media content*. (See Klemmer page 92 Fig. 3 showing barcodes associated with Voices augmented paper transcripts in the context of the bottom paragraph in the right column discussing the adding of barcodes to time code metadata information.)

**Regarding claim 39:** Klemmer teaches *wherein printing the media representation further comprises printing a header describing the media content*. (See Klemmer page 91 bottom paragraph in the right column discussing the placement of metadata in a header.)

**Regarding claim 40:** Klemmer teaches *wherein printing the media representation further comprises generating a representation in digital format*. (See Klemmer page 92 in the top paragraph of the right column discussing the creating of an MPEG-2 video from a video source.)

**Regarding claim 41:** Klemmer teaches *wherein printing the media representation further comprises printing a representation in paper format*. (See Klemmer page 92 Fig. 3 showing “Books with Voices augmented paper transcripts”.)

**Regarding claim 42:** Klemmer teaches *wherein formatting the media representation according to the representation specification further comprises defining a format of the media representation using a data structure with format specifications*. (See Klemmer page 92 top paragraph in the right column discussing the creation of a paper layout based upon a transcript.)

**Regarding claim 44:** Klemmer teaches *further comprising applying a barcode generation algorithm to render a barcode image including identifier information*. (See



Klemmer page 92 Fig. 3 showing barcodes that link to further information, it being implied that such information requires an identifier for the purposes of storing/locating that information.)

**Regarding claim 45:** Klemmer teaches *further comprising applying a barcode algorithm to render a barcode image including timestamp information.* (See Klemmer page 92 top paragraph in the right column discussing the creation of a paper layout based upon a transcript.)

5. **Claims 28-29 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Scott R. Klemmer et al. (“Books With Voices: Paper Transcripts as a Tangible Interface to Oral Histories”, CHI 2003, Fort Lauderdale, FL, Apr. 5-10, 2003, pp. 89-96, hereafter referred to as “Klemmer”) in view of Graham et al. (US Patent No. 6,369,811, filed Sep. 9, 1998 and issued Apr. 9, 2002, hereafter referred to as “Graham”) and Ponceleon et al. (US Patent Application Publication No. 2003/0187642, filed Mar. 29, 2002 and published Oct. 2, 2003, hereafter referred to as “Ponceleon”).

**Regarding claim 28:** Klemmer does not explicitly teach the remaining limitations as claimed. Ponceleon, though, discloses *wherein extracting features of media content further comprises performing speech recognition on the media content.* (See Ponceleon Abstract and paragraph [0003] discussing the use of automatic speech recognition for discovering salient sections in a speech transcription.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Ponceleon for the benefit of Klemmer in view of Graham, because to do so enabled a designer to implement a system to automatically discover salient segments in a speech transcript, as taught by Ponceleon in the Abstract. These references were all applicable to the same field of endeavor, i.e., automation information retrieval.

**Regarding claim 29:** Klemmer does not explicitly teach the remaining limitations as claimed. Ponceleon, though, discloses *wherein extracting features of media content further comprises performing event detection on the media content*. (See Ponceleon paragraph [0007] discussing the detection of events occurring in the news.)

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Stevens whose telephone number is (571) 272-4102. The examiner can normally be reached on M-F 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cam Y Truong/  
Primary Examiner, Art Unit 2162

/Robert Stevens/  
Examiner  
Art Unit 2162

June 27, 2008